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Honorable Brian R. Martinotti  
By email and ECF filing

August 16, 2022

*United States v. Jose Torres*  
Crim. No. 20-418 (BRM)

**REPLY TO GOVERNMENT RESPONSE TO MOTION FOR TEMPORARY RELEASE**

Dear Judge Martinotti:

Please accept this letter in lieu of a more formal reply to the Government's August 8, 2022 Response to Torres' July 25, 2022 Motion for Temporary Release pursuant to 18 U.S.C. §3142(i).

Although this is Torres' sixth bail request, it is the first one for temporary release strictly for trial preparation. Torres is not seeking to "reopen the detention hearing" (Response at page 2-10 and 11) to allow him to have years of house arrest. It is an extremely limited release under the strictest possible conditions in the custodianship of an honorable and respectable couple.

Torres has shown his determination in contesting the Government's charges, not running from them. He will not reiterate the Government's exaggerated claims (e.g., his plethora of phone number changes when only two phones were used to contact the six women included in the second superseding indictment) and wrong "facts" (family in South America) used to convince the tribunals to detain him at earlier hearings. All he is seeking is an opportunity to level the trial footing with his Government opponent, assisted by Sher Tremonte attorneys Noam Biale (Counts 3 and 6) and Anna Estevao (Counts 1, 2 and 3). His request is to have unrestricted access to his defense team and all the Government's Discovery.

The Court should not give credence to the Government's recitations of Director Ortiz's assurances (page 4-8 to 17). On March 23, 2020 counsel wrote a letter to Director Ortiz asking that Torres be allowed an hour a day in the law library (Exhibit 1). There was no response and Torres' request was ignored. A year later, counsel again sought more time for Torres in the law library (Exhibit 2). No reply, no extended hours for Torres. Another year passed before counsel fell back on his 2020 request, this time emailing Director Ortiz' assistant (Exhibit 3). Again, no reply. To depend upon Director Ortiz answering his cell phone, ensuring longer blocks of time for legal visitations or allowing counsel to "bring in the items necessary" for Torres' defense would be futile.

Due to the Protective Order filed August 5, 2020, (Exhibit 4, first page of order), Torres

has not had access to many important documents of Discovery. Contrary to the Government's assertion (page 4-34 to 35), "Protected Information" heretofore not given to Torres is certainly "new and substantial" Discovery "that Torres would need additional time to review." Even if the "Protected Information" was released by the Government to Torres thirty days before trial, it is doubtful Essex County Correctional Facility would allow Torres access to them. For example, counsel delivered blank thumb drives to Torres so he could communicate motion and trial strategy back to his legal team. The drives were delivered back to counsel by Essex unopened, the reason being that material banned by the facility could be placed on them by an inmate and disseminated.

The Government has alleged Torres is a "dangerous individual" (page 5-6), but those allegations were limited to meetings with sex workers, situations that cannot be repeated due to the watchful eyes of his custodians. It also portrays him as a "grave risk of flight" (page 5-7), which also will not happen due to the strict conditions monitored by United States Pretrial Services.

Respectfully submitted,



David Schafer  
Attorney for Jose Torres

Cc: Shawn Barnes, AUSA Newark  
Emma Spiro, AUSA Newark

3/23/20

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Warden Alfaro Ortiz, Jr.  
Essex County Correctional Facility  
354 Doremus Avenue  
Newark, New Jersey 07105

March 23, 2020

Re: Jose Torres  
Booking #12020-03855  
Dorm 6

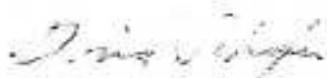
Dear Warden Ortiz:

This envelope contains five brand-new 4GB thumb drives with no data on them. Torres requests that the facility allow him to use these drives to outline his defense. His federal trial involving six counts is scheduled to start June 1, 2022 before the Honorable Brian R. Martinotti, United States District Judge for the District of New Jersey (Criminal Case # 20-418 (BRM)).

If possible, he also asks that the facility allow him to have an hour a day in the law library.

Thank you for your assistance. If you have any questions, please do not hesitate to contact me.

Sincerely,



David Schaefer

*EXHIBIT 1*

DAVID E. SCHAFER  
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Alfaro Ortiz, Jr., Director  
Essex County Correctional Facility  
354 Doremus Avenue  
Newark, New Jersey 07105

February 9, 2021

RE: Jose Torres  
U.S.M. # 01223-509  
Booking # J2020-03855

Dear Mr. Ortiz:

Please allow my client, Jose Torres, to have access to your law library for twenty hours each week. He is a Rutgers graduate who has no prior record, charged under a non-violent, very complex federal statute. Due to his education, he can greatly assist me in our defense of his case if he has access to the law library. Thank you for your consideration of this matter.

Sincerely,



David Schafer  
Attorney for Jose Torres

EXHIBIT 2

3//9/22 3/14/22, 11:42 AM



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**U.S. v. Jose Torres, U.S.M. #01223-509, Booking #J2020-03855, Dorm 6**

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Dave Schafer <schafdave@gmail.com>  
To: "Coley, Kathy" <kcoley@eccorrections.org>

Mon, Mar 14, 2022 at 11:42 AM

This is federal CJA attorney Dave Schafer, who represents Torres. Our trial is set to begin on June 1, 2022, before U.S. District Judge Brian R. Martinotti in Case No. 20-418 (BRM). We are requesting that Torres be allowed to access the law library for one hour a day from now until June 1, as long as the library is open. I called you a few minutes ago with the same request. Thank you for your consideration.

*EXHIBIT 3*

8/3/20

Case 3:20-cr-00418-BRM Document 57 Filed 08/05/20 Page 1 of 3 PageID: 418

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,

v.

JOSE TORRES,

Defendant.

Case No. 20-cr-00418

ORDER

THIS MATTER having come before the Court on the Government's motion for the entry of a protective order (Motion) (ECF No. 42); and Defendant having opposed the Motion (ECF No. 51); and the Government having filed a reply to Defendant's opposition (ECF No. 52); and for the reasons set forth in the Court's opinion of August 4, 2020,

IT IS on this 4th day of August 2020 ORDERED that:

1. The Motion (ECF No. 42) is GRANTED TO THE EXTENT that it seeks a protective order for "Protected Information" and "Redacted Materials," and is DENIED TO THE EXTENT that it seeks a protective order for "Unrestricted Materials."
2. The Government may designate materials to be produced in discovery as "Protected Information," "Redacted Materials," and "Unrestricted Materials."
3. "Protected Information" shall be limited to materials that contain sexually explicit information/images of victims or witnesses; visual depictions of victims or witnesses; and/or otherwise identify victims or witnesses, or are otherwise banned from the Essex County Correctional Facility. Materials designated as "Protected Information" shall be disclosed to Defendant's Counsel only.
4. "Redacted Materials" are materials that include, but are not limited to, materials subject to redaction because they otherwise identify potential victims/witnesses or contain other sensitive information. A single copy of "Redacted Materials" may be disclosed to Defendant, provided he understands that no "Redacted Materials" may be disseminated to the public, or any other

EXHIBIT 4